



**US Army Corps
Of Engineers**
Wilmington District

PUBLIC NOTICE

Issue Date: August 13, 2007
Comment Deadline: September 12, 2007
Corps Action ID #: SAW-2007-2197-357/300

The Wilmington District, Corps of Engineers (Corps) has received an application from the North Carolina Department of Transportation (NCDOT), Project Development and Environmental Analysis Branch, seeking Department of the Army authorization to impact waters of the United States within the Little Ivy Creek, Cane River, and South Toe River drainages associated with the widening of US Highway 19/19E in Madison and Yancey Counties, North Carolina.

Specific plans and location information are described below and shown on the attached plans. This Public Notice and all attached plans are also available on the Wilmington District Web Site at www.saw.usace.army.mil/wetlands.

Applicant:

Gregory J. Thorpe, Ph.D.
Environmental Management Director, PDEA
NC Department of Transportation
1598 Mail Service Center
Raleigh, North Carolina 27699-1598

Authority

The Corps will evaluate this application and decide whether to issue, conditionally issue, or deny the proposed work pursuant to applicable procedures of Section 404 of the Clean Water Act (33U.S.C. 1344).

Location

The proposed project involves the widening of approximately 21 miles of US 19/US 19E from future I-26 (existing 19-23) in Madison County to the SR 1186 intersection with US 19 near Micaville in Yancey County, NC. The improvements are state funded and identified as Project Numbers R-2518A, R-2518B, and R-2519A in the NCDOT 2002-2008 Transportation Improvement Program (TIP). The project begins at 35.8394 degrees north latitude and 82.5199 degrees west longitude and ends at 35.9105 degrees north latitude and 82.2232 degrees west longitude. The project drains into the Upper French Broad and Nolichucky River Basins, Hydrologic Unit's 06010105 and 06010108.

Existing Site Conditions

The proposed project is located in Madison and Yancey Counties in western North Carolina. US 19 currently consists of a two and three-lane roadway. The topography along the project area consists of steep hillsides, narrow valleys, and rolling hills. The route traverses Ivy Gap at the Madison/Yancey County line. The Town of Burnsville and several rural crossroads communities are located along the project.

Existing land uses along the project alignment include undeveloped woodlands, farms, single family housing, retail businesses, churches, industrial facilities, shopping plazas, and the town square.

Wetland types impacted by the project include palustrine forested, deciduous systems and mixed scrub shrub/emergent marsh that are seasonally flooded. These wetlands are generally found within floodplains and on the riparian margins of streams. Dominant vegetation includes soft stem rush, black willow, tag alder, knotweed, jewelweed, sensitive fern, sedges, and elderberry. Stream banks that have received little impact are vegetated with woody shrubs such as tag alder, viburnums, ironwood, black willow, and honey locust. Stream banks that are in an early successional stage are vegetated with Japanese knotweed, Joe-pye weed, wingstem, and bluegrass. Potentially impacted streams are perennial and range in size from only a few feet wide to as large as the Cane River. The project is located in two different hydrologic units (HU) of the French Broad River Basin. HU 06010105 is the Little Ivy Creek Watershed which extends from I-26 east to the Madison/Yancey County Line. HU 06010108 is the Cane River and South Toe River Watershed area which extends from the county line to Micaville.

Applicant's Stated Purpose

The purpose of the project is to increase traffic capacity on US 19/US 19E and improve system linkage and safety.

Project Description

TIP Numbers R-2518A&B extend along US 19/19E from future I-26 (existing US 19/23) to SR 1336 (Jack's Creek Road). TIP No. R-2519A extends along US 19E from SR 1336 to SR 1186 west of Micaville. The permit application is a phased application. Final impact calculations based upon final design plans are completed for R-2518A only. Since only preliminary impacts to waters and wetlands are known at this time on the remaining road segments, NCDOT may request future permit modifications for R-2518B and R-2519A once the roadway designs become finalized.

The social, economic, and environmental impacts associated with two Build Alternatives and a No-Build Alternative for this project have been described in a NCDOT State Environmental Assessment (EA) dated May 31, 2001. The Corps of Engineers issued an initial public notice describing potential impacts to surface waters and wetlands associated with construction alternatives that were being considered on November 26, 2001 (Action ID No. 199830705).

The project will upgrade the existing two and three-lane principal arterial to a multi-lane facility with partial access control. Three typical sections are being proposed for the project. These include a four-lane divided curb and gutter section to be used within Burnsville and two shoulder sections separated by a grassed median.

Proposed impacts to jurisdictional waters associated with TIP R-2518A include discharges of fill material into segments of Middle Fork Creek, Bailey Branch, Turkey Branch, Polly Branch, Holland Creek, Ivy Gap Branch, Bald Creek, unnamed tributaries, and adjacent wetlands at 31 sites. These impacts are associated with culvert extensions, relocations, and replacements, roadway fills, and channel relocations.

Stream and wetland impacts for all three TIP projects are summarized in the table below.

Summary of Impacts

Section	Permanent Wetland (ac)	Temporary Wetland (ac)	Permanent Surface Water (lf)	Temporary Surface Water (ac)
R-2518A*	0.42	0.0	6,591	0.13
R-2518B**	0.23	0.0	2,866	0.14
R-2519A**	0.29	0.0	5,309	0.17
<i>Totals</i>	0.94	0.0	14,766	0.44

* = final impact calculations

** = preliminary impact calculations

Wetland impacts include fill, excavation, and mechanized clearing

NCDOT is proposing to mitigate for all unavoidable stream and wetland losses through a combination of on-site restoration, enhancement, and preservation, as well as payment into the North Carolina Ecosystem Enhancement Program (EEP). Stream mitigation plans have been developed for R-2518A and R-2518B and are included in the permit application submittal. Stream relocations associated with TIP R-2519A are depicted on the permit drawings. On-site mitigation proposals are summarized in the table below.

Onsite Mitigation Summary for R-2518A, R-2518B & R-2519

Section	Stream (lf)				Wetland
	On-Site Restoration	On-Site Enhancement	On-Site Preservation	Total Credits Proposed	On-Site
R-2518A	4,340	640	15,335	9,772	0.0
R-2518B	279	5,131	0	2,844	0.0
R-2519A	1,180	0	0	1,180	0.0
Totals	5,799	5,771	15,335	13,796	0.0

Project limits and the projected let dates for each section of the US 19/US 19E project are listed below.

Project Schedule		
Section	Project Limits	Let Date
R-2518A	I-26 to SR 1421 (Windy Gap Road)	December 2007
R-2518B	SR 1421 (Windy Gap Road) to SR 1336 (Jack's Creek Road)	June 2008
R-2519A	SR 1336 (Jack's Creek Road) to SR 1186 (Old US 19)	February 2009

Project plans and the State EA are available for review at the NCDOT, Division Engineer's Office, 55 Orange Street, Asheville, North Carolina, the NCDOT, Resident Engineer's Office, 901-8 Old Mars Hill Highway, Weaverville, North Carolina, and at the Corps of Engineers, Asheville Regulatory Field Office, 151 Patton Avenue, Room 208, Asheville, North Carolina.

Other Required Authorizations

This notice and all applicable application materials are being forwarded to the appropriate State agencies for review. The Corps will generally not make a final permit decision until the North Carolina Division of Water Quality (NCDWQ) issues, denies, or waives State certification required by Section 401 of the Clean Water Act (PL 92-500). The receipt of the application and this public notice combined with appropriate application fee at the North Carolina Division of Water Quality central office in Raleigh will constitute initial receipt of an application for a 401 Water Quality Certification. A waiver will be deemed to occur if the NCDWQ fails to act on this request for certification within sixty days of the date of the receipt of this notice in the NCDWQ Central Office. Additional information regarding the Clean Water Act certification may be reviewed at the NCDWQ Central Office, Transportation Permitting Unit, 2321 Crabtree Boulevard, Raleigh, North Carolina 27604-2260. All persons desiring to make comments regarding the application for certification under Section 401 of the Clean Water Act should do so in writing delivered to the North Carolina Division of Water Quality (NCDWQ), 2321 Crabtree Boulevard, Raleigh, North Carolina 27604-2260 Attention: Mr. John Hennessy by September 12, 2007.

In addition, this project may be located in a watershed subject to Tennessee Valley Authority (TVA) permit requirements pursuant to Section 26a of the TVA Act. This Public Notice and all application materials are being forwarded to Ms. Susan B. Fuhr, Manager, Holston-Cherokee-Douglas Watershed Team, 3726 East Morris Blvd., Morristown, Tennessee 37813. Questions or comments regarding Section 26a permit requirements should be directed to Ms. Fuhr at the above address.

Cultural Resources

Archaeological surveys have been conducted and identified six potential sites within the project area. Further investigations revealed that none of the sites retained sufficient integrity to yield information important to prehistory or history. The State Historic Preservation Office (SHPO)

has concurred that none of the sites are eligible for inclusion in the National Register of Historic Places.

Architectural surveys of the project area identified two historic properties that are eligible for listing on the National Register of Historic Places-the Porter and Ollie Briggs Ray House and the Wilkes Hensley House. The SHPO has subsequently concurred that the project will have no effect on the Briggs Ray House, and that there will be no adverse effect on the Wilkes Hensley House provided that NCDOT adheres to their commitments regarding a bridge and guardrail near the property.

As the lead Federal agency in this action, the Corps of Engineers will have responsibility for Section 106 consultation under the National Historic Preservation Act.

Endangered Species

Based on available information, the Corps has determined pursuant to the Endangered Species Act of 1973 (ESA), that the proposed project may affect federally listed endangered or threatened species or their formally designated critical habitat. Our determination of “may affect, not likely to adversely affect” applies to the oyster mussel (*Epioblasma capsaeformis*-endangered) and Virginia spiraea (*Spiraea virginiana*-threatened). Several surveys have been completed for both species, within the project corridor and receiving waters, with no individuals or populations located. Our determination of “may affect, likely to adversely affect” applies to the Appalachian elktoe (*Alasmidonta raveneliana*-endangered) based upon the known existence of the mussel in close proximity to the bridge construction sites over the Cane River and the South Toe River. Formal consultation under Section 7 of the ESA will be initiated with the U.S. Fish and Wildlife Service and no permit will be issued until the consultation process is complete.

Evaluation

The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values (in accordance with Executive Order 11988), land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving the discharge of dredged or fill materials in waters of the United States, the evaluation of the impact of the activity on the public interest will include application of the Environmental Protection Agency’s 404(b)(1) guidelines.

Commenting Information

The Corps of Engineers is soliciting comments from the public; Federal, State and local agencies and officials, including any consolidate State Viewpoint or written position of the Governor; Indian Tribes and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing shall be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

Written comments pertinent to the proposed work, as outlined above, will be received by the Corps of Engineers, Wilmington District, until 5pm, September 12, 2007. Comments should be submitted to Mr. David Baker, US Army Corps of Engineers, Asheville Regulatory Field Office, 151 Patton Avenue, Room 208, Asheville, North Carolina 28801-5006.

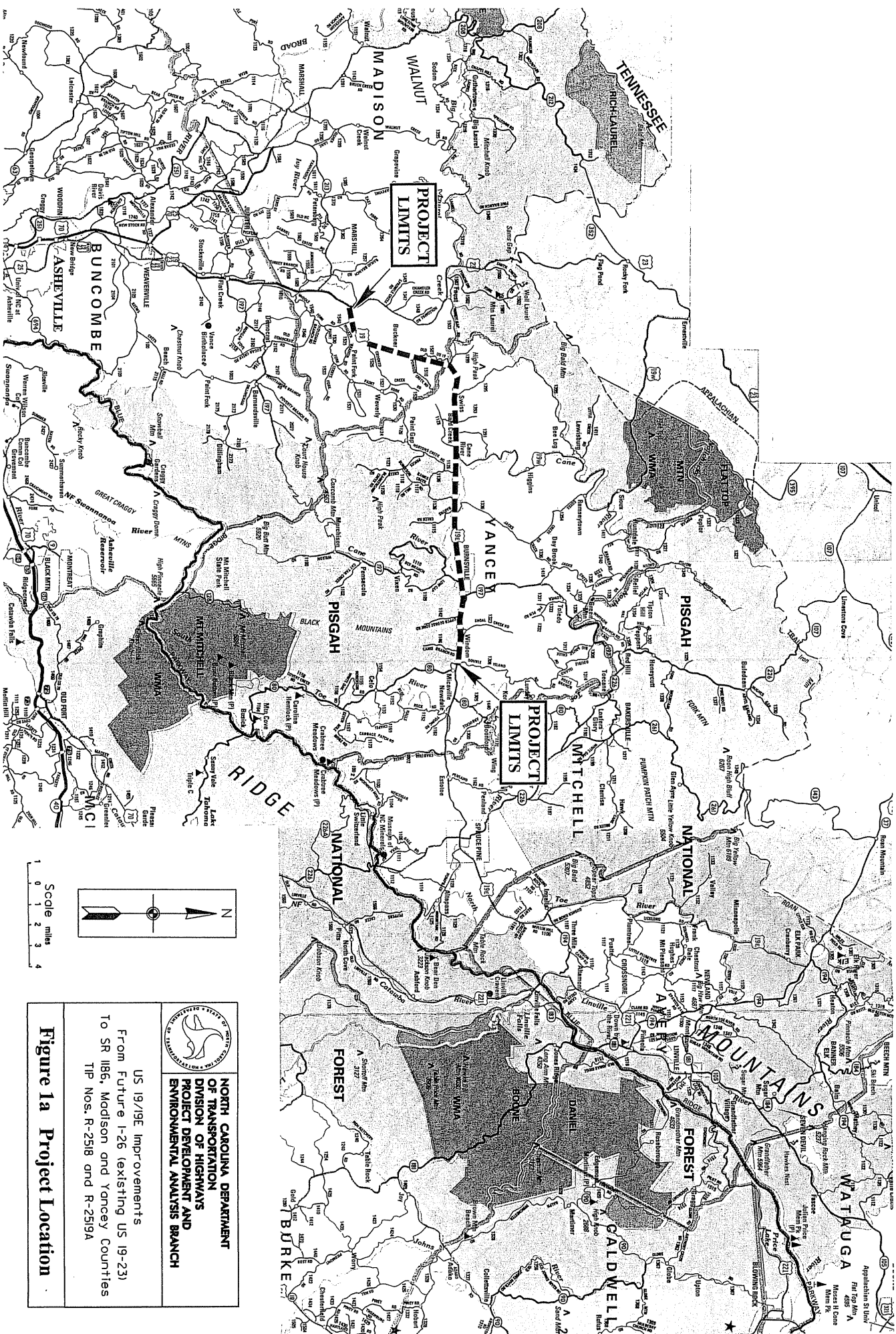


Figure 1a Project Location

NORTH CAROLINA DEPARTMENT OF TRANSPORTATION
DIVISION OF HIGHWAYS
PROJECT DEVELOPMENT AND ENVIRONMENTAL ANALYSIS BRANCH

US 19/19E Improvements
 From Future I-26 (existing US 19-23)
 To SR 1186, Madison and Yancey Counties
 TIP Nos. R-2518 and R-2519A



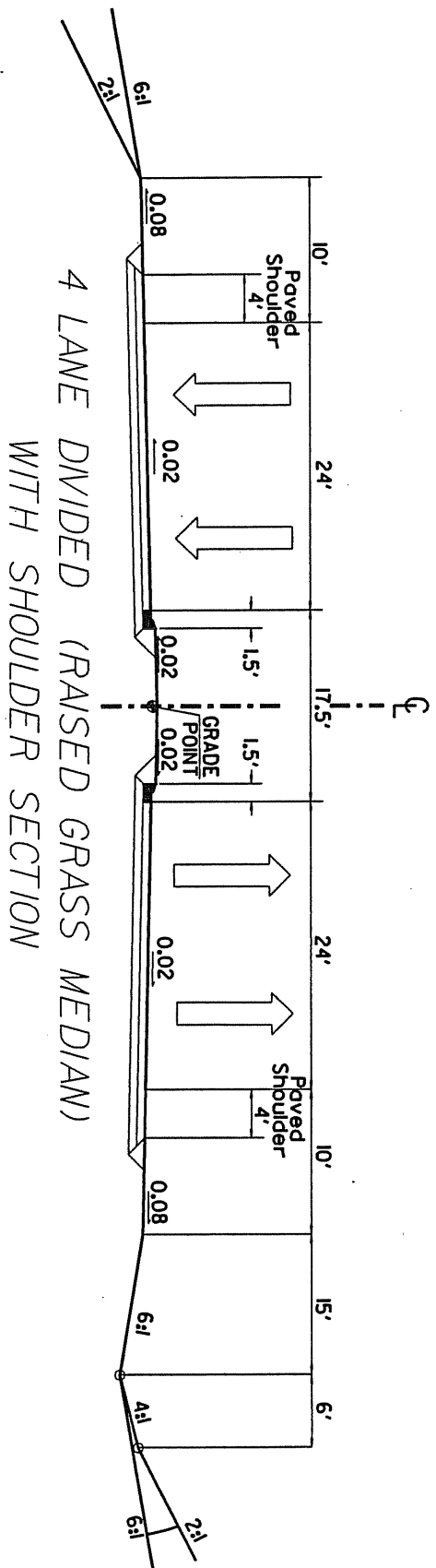
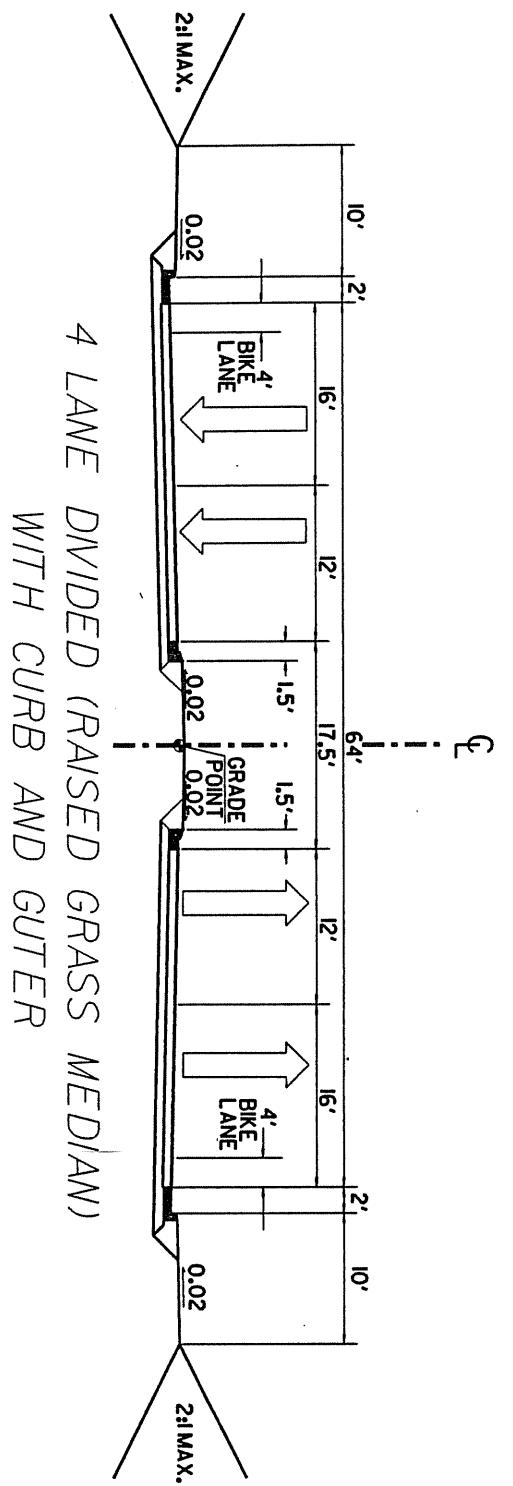


Figure 2 Typical Sections